

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:

THOMAS J. ELLIS, SR. and PATRICIA A. ELLIS

Case No.:

16-17377 (KCF)

Judge:

Kathryn C. Ferguson

Chapter:

13

Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☒ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: February 17, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ \$448.00 per month to the Chapter 13 Trustee, starting on May 1, 2016 for approximately sixty (60) months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Chapter 13 Trustee	Commissions	10.00%
Rex J. Roldan, Esquire	Attorney's fees	\$3,250.00
Internal Revenue Service	Income taxes	\$1,306.00

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Chrysler Capital	2013 Ford Fusion	\$17,264.14	\$15,825.00		\$15,825.00	4.5%	\$19,311.60

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**d. Secured Claims Unaffected by the Plan**

PNC Bank, N.A. (1st & 2nd mortgages)

The following secured claims are unaffected by the Plan:

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Chrysler Capital	2013 Ford Fusion	\$19,311.60	Any remaining balance and interest

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Attorney's fees
- 3) Priority claims
- 4) Secured claims

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: April 17, 2016.

Explain below **why** the plan is being modified:

To indicate that mortgage loan modification is no longer necessary as it has already been modified and subsequently approved by the Court. To change the amounts due to the IRS and Chrysler Capital.

Explain below **how** the plan is being modified:

Sections 1.c., 3 (amount due on IRS debt), 4.b. (values of loan, motor vehicle, and amount to be paid to Chrysler Capital), 4.d., and 7.c. (amount to be paid to Chrysler Capital) were amended.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes ☐ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: February 17, 2017

/s/ Rex J. Roldan  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: February 17, 2017

/s/ Thomas J. Ellis, Sr.  
Debtor

Date: February 17, 2017

/s/ Patricia A. Ellis  
Joint Debtor

**Certificate of Notice Page 8 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Thomas J. Ellis, Sr.  
 Patricia A. Ellis  
 Debtors

Case No. 16-17377-KCF  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 1  
 Total Noticed: 20

Date Rcvd: Feb 21, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 23, 2017.

db/jdb	+Thomas J. Ellis, Sr., Patricia A. Ellis, 6 Durham Court, Hillsborough, NJ 08844-2214
516123971	+Anesthesia Associates of Morristown, 100 Madison Avenue, Morristown, NJ 07960-6136
516346862	Capital One NA, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
516140299	+Chrysler Capital, PO Box 961275, Fort Worth, TX 76161-0275
516123972	+Chrysler Capital, ATTN: Bankruptcy Dept, PO Box 961278, Fort Worth, TX 76161-0278
516381197	+Deutsche Bank Trust Company Americas, c/o PNC Mortgage, a division of PNC Bank, Attn: Bankruptcy, 3232 Newmark Drive, Miamisburg, OH 45342-5421
516123975	+Gem Recovery Systems, 99 Kinderkamack Rd #308, Westwood, NJ 07675-3021
516123976	HSBC Bank, PO Box 5253, Carol Stream, IL 60197-5253
516123978	+KML Law Group, PC, 216 Haddon Ave Ste 406, Collingswood, NJ 08108-2812
516123980	+Lyons, Doughty & Veldhuis, PC, 136 Gaither Dr Ste 100, PO Box 1269, Mount Laurel, NJ 08054-7269
516123981	+Main Street Acquisition Corp, PO Box 9201, Old Bethpage, NY 11804-9001
516307160	+PNC Bank N.A., P.O. Box 94982, Cleveland, Oh 44101-4982
516123982	+PNC Bank, NA, 1 Mortgage Way, Mount Laurel, NJ 08054-4637

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg	E-mail/Text: usanj.njbankr@usdoj.gov Feb 22 2017 00:02:17 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Feb 22 2017 00:02:14 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
516123973	E-mail/Text: mrdiscen@discover.com Feb 22 2017 00:01:28 Discover, PO Box 30421, Salt Lake City, UT 84130-0421
516141079	E-mail/Text: mrdiscen@discover.com Feb 22 2017 00:01:28 Discover Bank, Discover Products Inc., PO Box 3025, New Albany, OH 43054-3025
516123974	+E-mail/Text: bankruptcy@fult.com Feb 22 2017 00:03:10 Fulton Bank of New Jersey, 100 Park Ave, Woodbury, NJ 08096-3513
516123977	E-mail/Text: cio.bncmail@irs.gov Feb 22 2017 00:01:52 Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
516123979	E-mail/Text: bnckohlnotices@becket-lee.com Feb 22 2017 00:01:42 Kohl's, PO Box 3043, Milwaukee, WI 53201-3043

TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516141080*	Discover Bank, Discover Products Inc., PO Box 3025, New Albany, OH 43054-3025
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TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 23, 2017

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 17, 2017 at the address(es) listed below:

Albert Russo	on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo	docs@russotrustee.com
Denise E. Carlon	on behalf of Creditor Deutsche Bank Trust Company Americas dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon	on behalf of Creditor Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2006-QS3 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Rex J. Roldan	on behalf of Joint Debtor Patricia A. Ellis roldanlaw@comcast.net
Rex J. Roldan	on behalf of Debtor Thomas J. Ellis, Sr. roldanlaw@comcast.net

TOTAL: 6